

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

ELON MUSK,

Defendant.

Civil Action No. 1:18-cv-08865-AJN

DEFENDANT ELON MUSK'S NOTICE OF MOTION TO QUASH &
TO TERMINATE CONSENT DECREE

Please take notice, that upon the Memorandum of Law in Support of his Motion to Quash and Motion to Terminate Consent Decree, dated March 8, 2022 and all exhibits attached thereto; the Declaration of Elon Musk, dated March 8, 2022, and upon all the papers and proceedings had herein, Defendant Elon Musk will move this Court, before the Honorable Alison J. Nathan, at the United States Courthouse for the Southern District of New York located at 40 Foley Square, New York, New York, 10007, for an Order quashing certain portions of an administrative subpoena issued *ultra vires* by Plaintiff, the Securities and Exchange Commission (“Commission” or “SEC”), and for an order terminating the consent decree.

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& TO TERMINATE CONSENT DECREE

Defendant Elon Musk respectfully moves this Court for an Order quashing certain portions of an administrative subpoena issued *ultra vires* by Plaintiff, the Securities and Exchange Commission (“Commission” or “SEC”), and for an order terminating the consent decree. Those portions of the subpoena should be quashed because the SEC lacks legal authority to issue those demands under either the purview of the securities laws or the judgments in this case and because the subpoena was issued in bad faith. The consent decree should be terminated because it is inequitable to permit the SEC’s roving and unbounded investigations into Mr. Musk while imposing *ex ante* prior restraints on, and *ex post* unending investigations of, Mr. Musk’s exercise of his First Amendment rights. Further, the circumstances under which the decree was entered strongly favor termination of the decree.

The grounds for these motions are set forth more fully in the Memorandum of Law. Mr. Musk respectfully requests oral argument on these motions.

Dated: New York, New York
March 8, 2022

Respectfully submitted,

/s/ Alex Spiro

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Attorney for Elon Musk

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Notice and Motions to be filed with the Court's CM/ECF system this 8th day of March, 2022, thereby causing it to be served on all counsel of record.

Dated: New York, New York
March 8, 2022

Respectfully submitted,

/s/ Alex Spiro

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